



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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June 29, 2015

Mr. Jeremy Miles
215 North Walnut Street #7
Harrison, Ohio 46030

Re: Formal Complaint 15-FC-165; Alleged Violation of the Access to Public Records Act by the Connersville Police Department

Dear Mr. Miles,

This advisory opinion is in response to your formal complaint, which alleges the Connersville Police Department ("Department") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Department has responded to your complaint via Ms. Jackie Pennington. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on May 18, 2015.

BACKGROUND

Your complaint dated May 18, 2015, alleges the Connersville Police Department violated the Access to Public Records Act by failing to provide the records you requested.

You hand-delivered a request for thirty-eight (38) distinct records to the Department on April 20, 2015, but feel the Connersville Police Department did not provide you with the records you requested.

On May 22, 2015, the Department responded. Ms. Pennington detailed the status of each of the records requested.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Connersville Police Department is a public agency for the



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purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Department's disclosable, public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

Here, you are alleging the Department violated the APRA by failing to provide the records you requested. You submitted your lengthy request on April 20, 2015. Your request was immediately acknowledged. The department's failure to immediately provide the records you requested was not a violation because you submitted a fairly substantial request. The APRA allows a reasonable time for the public agency to respond to a request (Ind. Code § 5-14-3-3(b)). One month seems reasonable given the fact you requested thirty-eight (38) different records, some of which had no timeframe specified.

In its response, the Department notes you should have been or will soon be provided with the records you requested. The response also notes in several cases there were no records responsive to your request. Therefore, the department's failure to provide those records is not an APRA violation because there is no record to provide. Finally, the response notes several of your requests were turned over to the city attorney to answer, as those requests were not for records but for legal information. Again, this would not be a violation of the APRA, since those particular requests did not deal with records kept by the Department.

CONCLUSION

Based on the foregoing reasons, it is the Opinion of the Public Access Counselor the Connersville Police Department has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt
Public Access Counselor

Cc: Ms. Jackie Pennington